cf 1601
(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3921 /2003

PETITIONER : Abdul Hanif, S/o Late Abdul Majid, aged 65 years, occupation-Retired Railway Employee, R/O Nayapara, Sirgitti, Bilaspur (C.G.)

-VERSUS-

RESPONDENTS :
1. Superintendent of Police, Bilaspur
2. Station House Officer, Police Station, Tarbahar, Bilaspur (C.G.)

WRIT UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF HABEAS CORPUS

(15)

KI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.3921 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Division Bench:-

Hon'ble Shri K.H.N. Kuranga, C.J.

and Hon'ble Shri L.C. Bhadoo, J.

02.12.2003

Shri Rajeev Shrivastava, counsel for the petitioner.

Shri P.S. Koshy, Govt. Advocate for the respondents.

Heard both the counsel.

The petitioner is the father of Mohd. Naeem and it is stated in the petition that the Police have taken Mohd. Naeem into custody on 21.11.2003 and he was illegally detained.

Notice was issued to the respondents and on behalf of the respondents, reply is filed. It is stated in the reply that the son of the petitioner was called for interrogation suspecting him to be involved in a case [Crime No.421/2003], registered under Section 302 of the I.P.C. of rape and murder of a 15 years old girl namely, Kum. Satyavati Yadav. The reason for suspecting the son of the petitioner i.e. Mohd. Naeem in the said crime was that the place where the dead body of deceased Kum. Satyavati Yadav was found was only 100 meters away from the place where the shop (tea stall) of Mohd. Nameem situates and there are also witnesses who had seen the victim walking to the shop of Mohd. Naeem on the day on which she was found missing. The son of the petitioner was called for

(16)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 3921/ सन् 2003

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interrogation at the Police Station for the first time on 22.11.2003, and after questioning he was allowed to go. Again he was called for interrogation on 23.11.2003 and 25.11.2003 and after questioning he was allowed to go. Thereafter, again he was called for interrogation at 14:50 p.m. on 28.11.2003 and after interrogation he was allowed to go on 29.11.2003 at 08:10 a.m. The investigation is still going on.

Learned counsel for the petitioner submitted that Mohd. Naeem, son of the petitioner is present before the Court. It is clear that the son of the petitioner is not in the custody of the Police.

In the circumstances, this petition has become infructuous and it is dismissed as having become infructuous.

In view of this order, I.A.No.11413/2003 stands disposed of.

Sd/-
L.C.BHADOO
Judge

Sd/-
Chief Justice

Soma